L.R

(1891-92)

165-91

16 C

Sub:- Appeal of Kappagauda of Benakanahalli village Holenarasipura Taluk regarding patel of the said village.

17. 151-92

G. R. S. IX-5]

Previous references.

1891-92

~~192~~

(L. R.)

File No. 163-92-8

Serial Nos. 1-8

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 - 8

Part B for August 1892

SUBJECT.

Appeal of Kappu Gowda of Antianahalli village, Holenarsipur Taluk, regarding Patēli of the said village.

To Kappu Gowda, antianahalli, Holenarsipur Taluk

As. No. 113 dated 7-9-1892

Informing that his appeal has been cancelled.

S.E. No. 6

WD 2233—GPB—20,000—14-6-20

(1) Rev: appeal no. 113 of 1891.

Happu Gowda son of Beluré Gowda residing in Ankanahally, Hole Narsipur Taluq. } Appellant.

vs

Kalay Gowda son of Kinta Beluray Gowda residing in the same village ——— } Respondent.

Appeal against Re Hassan Dy. Comrs' Order No. 178 dated 26th July 1891 re- Patels of the Ankanahalli village.

The case briefly is as follows:-

For the village of Ankanahally there were two Patels the appellants' father and the Respondent. In 1883-84 the appellants' father Beluré Gowda complained that the Respondent was not the hereditary and that the disbursement Whim of a portion of the Patelé was in consequence improper. Both the Patels at the same time

time also prayed for the appointment of their Lord for the office, they being illiterate; The Amildar held the enquiry and the Jamabandy Officer the Jamalandar ordered that the Respondent should be registered as the Late Patel Beliné Gonda being too old.

In 1886 Beliné Gonda filed a regular Rev: suit against his order. During the Enquiry Beliné Gonda Examined 12 witnesses and the Respondent &. [illegible]

[illegible]

[illegible]

was forthcoming both that both these men were doing the duties: That the Respondent also officiated for many years

The appellant himself admitted in his statement dated 6th Aug. 1883 that the Respondent was to be his cousin & Purchaser in consequence. [illegible]

[illegible]

(1) His name being entered as "Officiator" in the Bardeshi Register of 1867-68.

At the same time the Appellant Belur Gowda afforded abundant proof to shew that he was Kadim Kabadaru

Under these circumstances Mr. Narasimha Rao the Dy. Commissioner directed the restoration of Belur Gowda to the office and that the office should be held & the emoluments received by both the Appellant Gowda and the Respondent by annual rotation. Belur Gowda appealed to the Divan against this decision. Genealogical tables were called for and submitted by Sir Mirza the New Dy. Commissioner with addl. Evidence and a remark that the case produced by each party was taken objection to by the other and that beyond supporting the Conclusion that Belur Gowda and the Respondent were cousins there was no distinct Evidence to determine their relationship. The Divan thereupon in his Order No. 5083/89 dated 30-11-87 concurred in the Dy. Commissioner's finding that

Put up

Bat. Belur Gowda was
the Kaseem Huckdar,
that his claims were superior
to those of the Respondents,
+ Approved of his restoration.
He however disapproved
of the Dy. Commr: order
directing the Enjoyment
of the office by annual
rotation: Observed that
in this case there was no
question of right but
both parties were joint
Patels of equal right,
+ that Belur Gowda
had no exclusive right
but some claim for
prior selection as the
Govt. required only one
Officiator at a time, and
directed that Belur
Gowda or one of his
sons whom the Dy. Commr
might appoint should
be the sole officiator
from Sunyajalu and
that the Respondents and (1887-88)
his sons should be recog-
nized as joint huckdars
and have their turn of
Office under a system of
Service by rotation which

Dismissed with

Heard by the Learned in Res-
pondent's favour.

SKR
20/8/92.

VL
21/8/92

The only point for
determination is whether
the action taken by
the acting Dy Commr
(Mr. Gopalacharlu) is
correct & should be
upheld

VL
21/8/92

He was previously
informed that the order
may be cancelled
at once.
If learned Counsel
Chetyar wishes to
give a hearing
I shall hear no further
submissions

SKR
29/8/92

Patch Case.

Memo

Submitted to Mr
Council

21/8/92

25-9-91

Presented by
Mr Advocate
Nadarajah
Clerk of the Appeal
Court

No
1498

Appellant

Kalaya gowda son of
Timma Bilcoray gowda
residing in said place
said Taluk

Respondent

Appellant above named begs to appeal to this honourable Court against the order passed by the Deputy Commissioner of Kadur district, in Review petition dated July 1891 for the following reasons

That the Deputy Commissioner has wrongly appointed Kalaya gowda to collect the rent these years.

That the Deputy Commissioner has not passed the order in accordance with the provisions of Section 83 of Regulation XII of 1887 in as much as the said Kalaya gowda has not been found by the said Deputy Commissioner to be a person who has been in the habit of collecting the rent of the said village for the last three years.

That the Deputy Commissioner has not passed the order in accordance with the provisions of Section 83 of Regulation XII of 1887 in as much as the said Kalaya gowda has not been found by the said Deputy Commissioner to be a person who has been in the habit of collecting the rent of the said village for the last three years.

should continue as far as until
"a system of service by rotation
which will be introduced" and
the only matter appeal is clearly
opposed to these proceedings.

3 That as no system of service by
rotation is yet introduced the
respondent's claim for rotation
service is premature.

4 That the Deputy Commissioner
has misconstrued the proceedings
of the Durbar for August 1889.

5 That the respondent is not the
"Hakdar"

For these reasons the appellant prays
that the order passed by the Deputy
Commissioner may be revised.

24th Sept 1891
Bijapur

Raghavendra
for M. Patel
Advocate for

(12)

No. 1498

Appellant

Kahpa Gowda, son of
Bilowray Gowda, residing
in Arkanahalli
Hole Narsipur Taluk by
his Vakeel Raghavachar

Endorsement.

W.S. Reference

In reply to this Petition dated 24th September 1891 re?

V. Raghavachar, Advocate for Petitioner
is informed that as the petition is stamped
with only one Rupee stamp, the proper
amount stamp of one rupee - Rule
is informed that
as per Schedule II Civil Fee

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
30th September 1891.

By Order,

Under Secretary

(General Serial No. 307.)

12319

1891. P. 64

Call for report.
Mrs 17/3/92

From

The Assistant Commissioner
Hassan District.

To

The Chief Secretary to the
Govt of Mysore.

Dated 10th March 1892
Despatched 12th March 1892
Received

Enclosures No. petitions
& P. Lr.

General No. 849
No. 269.

Subject

Submitting proceedings
connected with the Bobbeli
& Kunabetta Village,
Kolé Narsipur Talk

Ref —

Post Dept.
Dis 17/3/92

Submitted -
Submission of Resp:
with report & papers
been called for.
The Commissioner's order
requires submission
of report - a Resp.
Orders solicited as
to whether the Resp
may be returned
with the asked report
Thereafter a report in detail.

AB
15-3-92

17/3/1892

(14)

(General Serial No. 30.)

1892.

From The Chief Secretary to the Govt of Straits Settlements

To The Resident Commr Hausa States

Dated

Despatched 18/21 March/92

Received

Enclosures No.

General No. 14781

P. No 1/195

Min letter No 869 of 19th March 92 submitting Progs connected with the Petal of Mukim Kubu, Hulu Perak

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With reference to the above, I have the honor to request that the Resident Commr will submit as early as possible a report in detail on the above case as called for originally in Min Prin No 1115 of 12th Feby.

2 The Progs recd with the above are returned for resubmission.

'Byorder'

Draft

M Adam Asst

Under Secretary

(General Serial No. 30.)

1892

OFFICE OF THE ... 11 JUL 92 P. 16. ... MYSORE

From

The Assistant Commissioner
Bangalore District

To

The Chief Secretary to the Dewan
of Mysore

Dated 26th May 1892

Despatched 7th June

Received

Enclosures No. Records.

General No. 145 of 1892.
No. 5.

In reply to docket No. 4751-2 dated 7th June 1892
195

SUBJECT.

Forwarding the
Revenue Proceedings
with a Statement
connected with the
Fasli Jamabandi
Sale Register &c.

References (to be entered only in the Dewan's Office).

To No. same No. 3685 dated 4/6/92
P. 7151 9

Asst Commr
Mk 11/6

Minuted Dewan
Council with
Records -
H
26/8/92

B1
13-6-92

(16) (6)

No. 145/5

Deputy Commissioners Office Hassan
Dated, Camp Sukkawarsante,
26th May 1892.

From,

The Deputy Commissioner,
Hassan District.

To,

The Chief Secretary to the
Government of Mysore
Bangalore.

Sir,

With reference to your Endt. No. 1721/195 of the 21st March 1892, regarding the Proceedings Connected with the Patel of Kankahalli Hobli Narsipur Taluk I have the honor to resubmit the Kemandar Proceedings with a detailed Memo thereon.—

I have the honor to be
Sir,
Your most obedient Servant

H. G. Krumbiegel
Deputy Commissioner
Hassan District

Encl.

Memo (17)

The records show that a memo
regarding the Patels of the exta
-mauali village, Taluka Sonli
of the Nasik Zarvinjur District was
submitted to the Dy Commissioner
Surat District in January 1886,
and the facts elicited therein
as follows: -

*1. Pelugonda 2. Palegonda

There were 2 Patels for the village
-mauali village. Pelugonda
complained that a portion of
the Patgi amount for 1853-54
was disbursed to his Co-Patel
Palegonda, though he had no
hand to the affair, & both the
registered Patels being illiterate
they prayed for the appointment
of their sons in their stead. -
2. The Shanbogue of the village
was examined by the Jamabandy
officer Mr Timmaliah on receipt
of a petition from Pelugonda.
The Shanbogue deposed that Pelugo

Gowda alone in not doing the work.
(2)
Reception an order No. 156 dated
23rd February 1883 was issued to
the Amildar to the effect that it
was not reasonable to pay Rs 8
to Kalegowda who was not doing
duty and that the villagers should
be examined as to their hereditary
claims and the matter disposed of.-
3. The Amildar laid the case
before the Jamabandi Officer with
the papers relating to the inamy
investigated as mentioned in para 1.
Mr. Srinivasachar directed "Sale
Gowda to be registered as Sale
Patel and to do duty as heretofore
Bele Gowda is too old to do
any work."-.
4. Bele Gowda appeals against
the above orders on the following
grounds.-
I. That the office of the Patel
always belonged to his family
II. That he alone was doing
the duty.-
III. That Kalegowda had no

right to file petition but some low
or other got his name registered
when Monaturfa Rules were
introduced, but never perform
-ed the functions. -

IV. That he was still yet to dis-
-charge the duties of the office. -
He therefore prays for the revision
of the order passed by Mr. Simma-
-Ca Char and for his reinstate-
-ment or the appointment of
his son Rajpramah who knows
how to read and write. -

The Amildar to whom the petit-
-tion was referred, submitted the
case for orders. Mr. Abdul Khadir
the then Dy. Commissioner of the
Mysore District ordered on the
15th March 1856 "that Kalegowda
having been appointed Patel
by the Jamabandy officer after
Enquiry, Beluragowda should
establish his claim by means of
a suit on the Revenue Side". -
Pate Narsinga Talati was since
transferred to the Kapan Dist.
and Beluragowda accordingly

filed a Suit on the Revenue Side in the Court of the Dy Commissioner Hapan. -

† Rev: Regular case No 6 of 1886-87 -

Plaintiffs
1. Belwagoda
2. Kaffiamuli

Defendt
Vs Kalegoode

The 1st Plaintiff in his Plaint declared that he was the Ratemahatmaya of the Nationality, village, that the 2nd Plaintiff was his son and was fit to discharge the duties of Polel, that the Defendant re-presented before the Lanadandi Officer in the year Parana that he was joint Polel with the Plaintiff and therefore, requested that his son Appaji might be ap-pointed in his stead, that In Terminal time, the Lan-boundy Officer ordered that Kalegoode the Defendant was to be registered as Sole Polel as the Plaintiff was too old to work, that the Plaintiff ap-pealed against this order to the Dy Commissioner, Mysore District, who Endorsed to the

effect that the Plaintiff should seek relief in a regular Suit on the Revenue Side and that the cause of action hence arose. -

(2) that the Defendant was not the true heir and had never acted as Patel, that the Register of Births and Deaths was kept by him and that he got the Patelgiri remuneration till the year Fharam. -

The Plaintiff therefore prayed that his son Rajaramji might be appointed Patel, that the Register the Patelgiri for the year Fakshira and the Defendant ordered to pay the costs incurred on account of the Suit. Plaintiff produced 39 Exhibits to prove his title. +Pleads to 54 to 42

The case was referred to the Amildar of the Taluka for preliminary Enquiry and report. The Amildar accordingly took the case on his file, recorded the Evidence adduced by the parties, and submitted the proceedings with a Memo

thereof, with his Report No. 700
dated 29th September 1856 for
the decision of the Governor.

The sentence, recorded by the
Arbitrator is as follows:-

The 1st Plaintiff declared that
his grandfather of the Bellura
Gowda was the Patel of the village,
his son Chennagowda succeeded
him, he was the only son of Chenna
-gowda, that the Defendants grand
father's name was Bellapurigowda
who had four sons (1) Chenna
(2) Hurigowda, (3) Bellaragowda,
(4) Kalligowda, that Defendant
Kalegowda was the son of the
above named (3) Bellaragowda,
that Plaintiff understand
Kalligowda as his "Jithiga"
(enticinator) who died 12 years
ago, that the Defendants allegation
that that Kalligowda was
Plaintiff's grandfather's son
was false, that he was the uncle

1st Plaintiff
Bellura Gowda
on 5th Sept
No. 62

imprisonment for 5 months and to pay a fine of Rs 30 and that he was also dismissed from the Service, that by the help of Ramdaque Tewary and Sepoy he has been doing the duty of Patel as if he were not dismissed, that Defendant's house was burnt some 18 years ago and the Land adjoining it on Patel was also and that he, Forged no other document to prove his title. -

The following issues were then framed

I. Was or was the Guardian Patel of the Gunnamalli Village, when the Plaintiff or the Defendant.

II. Was or was doing the duties of Patel of the Said Village; the what time and under what Authority

III. Was the Plaintiff related to the Defendant and if so how.-

IV. Was the Plaintiff dismissed the service, and if so, under what authority and when?

The Plaintiff cited 15 witnesses

1. Shanmugam Nagayanayagam.
2. Kandiah.-
3. Sinnathamby Gowda.-
4. Bora.
5. Ganapathy Gowda.
6. Kala.
7. Doddy.
8. Sinnathamby Gowda.
9. Ramasamy Gowda.
10. Ramasamy Gowda
11. Siddy Gowda.
12. Pagiamuttan.
13. Thamma
14. Sithamparapillai Ponnampalam.
15. Chellappah Doddy Gowda.
16. Chellappah Kala
17. Thangatchy.

to Sworn in the Margin and Examined the first 12. The others were dispensed with at this request.—

The 1st witness deposed that Arumugam was one of the villagers of this Pirivu, that the Cemetery Road of the village was the 1st Plaintiff's as would be evident from the Certificate of the Grama Nila Thangalai produced by him, that Plaintiff's name was alone mentioned under "Arumugam" in the Parambariyam Register of the Year Erudiana (1855-60), that the Plaintiff alone acted

and when they were discontinued; that Patella were also some years exempted from payment of the Local rates which they had been since paying; that it was suggested in the Petition that the Plaintiff was exempted from the same by an Act of the 7th year of Victoria and Subsequently for two years during which Patella was Mayor of Stamford that the Defendant had been so exempted, that the Defendant had been so paying till the year 1854; but that in that year Pygmalia he was exempted from it by the Act of the Stamford, that as he was Nominally exempted from it in the years 1855 and 1856,

that the Plaintiff (3rd) had been
alone doing the duties of
Patel from the year Sana.
-lilin and had been collecting
the Kandayan and that the
alone had been to the Taluk
Cutchery, that he (witness) did
not know that the Defendant
was appointed Patel of the village
from the year Sarvajitin,
and also when the Defendants
father Bellingonda died as
he was not there when he (witness)
began to act as Gaudaya..
Witness 2 to 11 deposed that
Plaintiff was the "hereditary"
of the Patel and witness 2, 5, 6 & 9
added that Plaintiff and Defendant
were jointly doing the duties
of Patel. The evidence given by
the 9 witnesses further shows
that the Panchayat hearsay that
the Plaintiff and Defendants
grand fathers were cousins.-

but not of the same family. i.e. they were not cousins, that he did not know that the defendant was in possession of some lands in the Plaintiffs' Kainga but some in his own, and that he knew from the survey in the Court that the defendant was a "pitharapi" under the Secretary as the Court had never written by himself.

Defendant Examined & cut-
-nesses and 2 to 7 of them disposed
that both the Plaintiff
and the defendant
were the "Kaumatua"
of the Pakeha and
all admitted that
they were jointly
owning the duties
of Pakeha. Witness
2 to 7 further stated that
Defendants father Pehura
-gonda (surnamed Dodda
Pehurgonda a Race distinguished
from the 1st Plaintiff) was the
Pakeha before the 1st Plaintiff.

1. Bomagonda.
2. Chikkagonda.
3. Somegonda.
4. Sangangowda
5. Nanja-
6. Thimma.
7. Kaliana.
8. Kalavadi Ranga-
-na.

The Statements (3/4) of witnesses 2, 3, 4 and 5 go to prove that the 1st Plaintiff was convicted of the offence of theft and dismissed the Service. That there was no one by the name of Kimuta Kaimugonda whom the 1st Plaintiff alleged to have been, is admitted by all the witnesses. Witness 2 and 6 deposed that Plaintiffs father and Defendants father were own brothers and the 4th witness stated that Kaimugonda the 1st Plaintiffs father was the Defendants grandfather, and that he had not only the 1st Plaintiff and the Defendants father sons, but also three others by names Sharikiamugonda, Kaikugonda and Chamugonda.

The Learned Trial Judge in his opinion that the Plaintiff admitted in his deposition dated 6th August 1883 that the defendant was also the

Sinclair "of the Forest and that he was acting as such, that Defendant's name was therefore entered [illegible] in the Parochial Register, there- fore in the Lafian Salute, that it was evident from the evidence produced by both the parties that the Plaintiff and the Defendant were doing the duties of Peace, that the Plaintiff did not prove that the Defendant was not at all related to him, and that it could not therefore be safely presumed that the Defendant was not a "Sinclair". He also added that it was unnecessary to adhere to the Peace, as the Village of the Jamaica was annexed to our Co. W.I. and that he did not therefore see any reason that the orders of the Jamaican Officers should be resisted.

Mr. J. Miranda from the Defts Commissioners delivered his Judgment on the 15th December 1850 in the following Effect.-

(34)

he agreed with the Learned
opinion that the Plaintiff's con-
-tention that the Defendant
was not a Licensee of sufficient
branch of the gaming could not
be sustained; Defendant was
also in possession of some of the
lands in the Plaintiffs Kiala, and
this was not possible if he were
an utter Stranger except as a Licen-
-sator in Plaintiffs service, of
which there was no proof. -
Whether a relative or not, the
Defendant was doing duty as
Patel for Vasan Seeravi at. His
Name was entered as Officiator
in the Kanadalathi Register
~~1866-67~~ in 1869-66. He said he
was appointed Patel on Plaintiff
being convicted of an offence
and punished and that he
lost his salary, the same having
been assigned when his house
was burnt. Of the conviction
and sentence there was no
reliable proof adduced. Plaintiff

denied it before the Commissioner
- er though he was stated to have
admitted it before the Sheriff
But he cross-examined the
witnesses as if he had denied
it. He desired before the Deputy
Commissioner that he never
admitted before the Sheriff
His recorded admission was
not therefore as it should have
been, if the statement had been
taken by the Sheriff himself
That defendant was at one
time sent to Natal and that he
communicated recently desired
into the office was also evident
from the copies of
Writs which the Plaintiff pro-
duced before the Deputy Commr.
that defendant was employed
from house to house in Pinjaka
(1857-58) because he was known
- to the Plaintiff's man. At
the same time, Plaintiff offered
- ed documentary proof that he was
the Defendant sued to Natal

of the village, and (36) there was nothing to show that he was dismissed. There was no proof of this offence and conviction, and had therefore established his right to be restored to the office. The defendant said and Plaintiff admitted in his declaration of the 6th August 1883 that both Plaintiff and defendt were doing duty. —

Plaintiff would therefore be restored to the office and the Police Justice would be directed to be performed and the instruments received by Plaintiff and defendant alternately, one year at a time, defendant condemning for costs, Plaintiff taking his action for damages and so on and that each party would bear his own costs. —

Plaintiff Beluragonda appealed against this Judgement to the Queen and his petition No 3225 dated 12th January 1889 was forwarded to the Commissioner

Kajiado District for report with
official memo No 505 dated 24th March
1889. The records connected with
the case were submitted with
this office Docket No 8 dated 5th Ma
1889. -

The proceedings were returned
by the Chief Secretary with his
Docket No 457 dated 28th April 1889
requesting the Dy Commissioner
to resubmit the same with
a genealogical table explaining
the relationship between the
contending parties as required
by Deputy Regs No 7103-
243
dated
23rd January 1889.

The Assistant has accordingly
directed in this office order No
60 dated 28th April 1889 to submit
the genealogical tree explained to
the Plaintiff's witness the gene-
alogical tables marked A and B
respectively.

+ Paper No

The Assistant after recording

the evidence recorded by the parties submitted the proceedings to the Commissioner. -

The defendant Kalegounda in his deposition dated 30-6-87 before the Amildar objected to the entries contained in the genealogical table produced by the Plaintiff on the following grounds. -

(1) That the name of the founder from whom the descent was traced should have been Bellagounda and not Kalegounda, as was shewn by Plaintiff, that there were 2 by the name of Kalegounda one was the grandson of the founder of the Bellagounda and the other the 3rd Son of the 1st Plaintiff, that he did not therefore know whom the 1st Plaintiff meant to be the founder. -

(2) That it was shown that

Rayagonda and Kallimayonda were sons of Kallimayonda, that there were two by the name of Rayagonda, one defendant's father and the other the 3rd son of the 1st Plaintiff.

(3) That the name of Kallimayonda Gowda father was not Rahjingonda as shown by Panchajji; that he was not at all married; that Rayagonda was not at all his son; and that he was the grandson of the founder Ahiccimayonda.

(4) That Kallimayonda was shown to be the son of Rayagonda but that he was the grandson of the founder Ahiccimayonda.

(5) That Ahiccimayonda was shown as if he was son of Kallimayonda, he was not so but he was the founder of the Paiki under dispute. -

(6) That Kallimayonda was shown to be the son of Ahicci Kallimayonda, that the latter had two sons Dodda Kallimayonda

and Lucia Channagowda and that Channagowda was therefore to be corrected into Lucia Channagowda.-

(7) That the Pltff claimed himself to be the son of Channa-gowda, that it was true that he was the son of Channagowda, but that Channagowda should have been Lucia Channagowda

Pltff's Channagowda in his deposition rejected to the Exhibits contained interrogatories proceeded by the Defendant on the footing roneus.- Pakenda 148 on 13-5-85

(1) That the Lucia Channagowda was shown to be the founder. He was not ~~Lucia~~ Pltff Channagowda was the founder and that Lucia Channagowda was his father's father (grandfather).-

(2) That it was shown that Lucia Channagowda had two sons by the names of Dodda Channagowda and Lucia Channagowda; that

he had issue Sons by the Name
of Dadda Channagouda who
was Plaintiffs father and that
there was no such Channa
-gouda at all. .
(3) That it was shown that Dada
Channagouda had 4 Sons (1)
Rajjingouda (2) Dodda Belur
Gouda (3) Mari Channagou
-da (4) Channagouda but
he had only 3 Sons and that is
the Plaintiff. -
(4) That Rajjingouda was
shown to have had 2 Sons
Bellera and Kala but Plaintiff
did not know who they were.
(5) That it was shown that Dada
Belliagouda had two Sons
Kalegouda and Bagagouda,
that Kalegouda father's Name
was Kenia Belliagouda and

Oodia Bekuragouda, and that it was true that Rayagouda was the brother of the defendant. -

The following witnesses were examined and they deposed to the following effect. -

The 1st witness deposed that the 1st Plaintiffs father was Channa gouda, that his grandfather was said to be one Akki Bekura -gouda, whose father's name he (witness) did not know, that he did not know who Kapju -gouda was, and how he was related to the Plaintiff, that the Plaintiffs father had an only Son who was the 1st Plaintiff, that defendants father's name was Kunni Bekuragouda, that it was said that his grandfather was called by the name of Ekka -kunigouda, that he did not know how Akki Bekuragouda was related to the Plaintiff and defendant, that he did not know how the defendants grandfather Ekkanigouda was related to the Plaintiffs father Channa -gouda, that he did not know

Channa gd, 1st pltf's witness sworn 2-7-87 Pltf's Evd 5.

Defendant's father was Kadda Kelusa-
gonda and that (defendant) grand-
father was Channagonda and that
Plaintiff's father was Channagonda
that Defendant's grandfather and
Plaintiff's father were two brothers
that there was no one by the name
of Kunta Kelusagonda. The 2nd and
3rd witnesses deposed as above but
added that there was one by the
name of Kitti Kelusagonda who
belonged to the family. -

The 4th witness further stated that
the 1st Plaintiff and the Defendant
were related to each other as
brothers J. C. cousins. -

The Revenue in Chief Secretary's
Docket No 410 dated 25th April 1887
Mr Purnaiya, Dy Commissioner, re-
-submitted the Entire Records on
receipt of his letter No 212
dated 6th August 1887
13
with the additional Evidence
taken to frame the genealogical
Tree Exhibiting the relationship

between the contesting parties, and his finding thereon was to the following effect.-

Each party to the petition to the genealogical tree filed by the other. The Surveyor who examined the witnesses was directed to record his finding. But from the evidence, the Commissioner observed that Francis was already denying all relationship with the Defendant because from the genealogical tree produced by Defendant he (Defendant) showed himself belonging to the Sherbrooke; and the fact connected with the circumstance that Defendant was also the agent for some time past till the date of Jn. Fernando (Plaintiff's father in favour of Defendant Agulasiel might have made him afraid that the proof would be balance in Defendant's favour. Genealogies as filed by either party are translated

+ Page 2 of the file.

In the extract of the proceedings Register also filed by the defendant both parties are stated to belong to the same family. The Deputy Commissioner was therefore of opinion that beyond supporting the conclusion that Plaintiff and Defendant were coolies, there was no distinct evidence to determine their relationship with greater accuracy or to decide which was the main employer except the fact mentioned and sworn to by Defendant that Gowda.

In reply to the Dy Commissioners letter No. 212 above alluded to it was ordered in Decrees Proc. No. 5853—89 dated 30th November 1889 that the Dy Commrs finding that the Defendant Seetharagowda was the Plaintiffs Employer was just and proper, and the order for the restoration of the office

to exercise objected to his claim
for the officiator had been framed
for subversion to those of the respond-
ent Naigoonda, that the Deputy Commis-
sioner order for the enjoyment
of the office by Applicant and the
postponement by annual rotation
was likely to lead to inconvenience
and was accordingly to be set aside.
It was further ordered that the
case was one in which there really
was no question of right as both
parties were joint Pujaris and
had equal rights which they
admitted in their depositions
dated 6th August 1883, that the
proceedings since held showed
that the Applicant had not an
exclusive right but some claim
for joint selection as the Govern-
ment required only one officiator
at a time.

Under such circumstances
Government directed that Bekuroyanda
(Applicant) or one of his sons whom
the Deputy Commissioner might appoint should

1857-88

the sole executor of the deceased
- mentioned officer Sarvajeetha
and the defendant, Kalegowda
and his sons should be recog-
- nized as joint owners and
have their turn of office under
a system of service by rotation
which would soon be introduced.
The Govt. also directed that
the said did not register the
defendant of the documents
for the period he was said officiating
under the Jamabandi officio
Summary order or under the
Dy Commissioner's decision in
Regular Revenue Case No. 1 of 1886-87.

In obedience to the above order,
the Amildar was directed in
his office order No. 103 dated
1st February 1888 to produce
Kalegowda and any of his sons
whom the Amildar might choose
for the Taluk together with the
Proceedings connected with the case

before the Panchayat Officer, to Enable him to frame his opinion, regarding the selection and submit it to the Dy Commissioner :-

The then Panchayat Officer (Sri Chennigaya) submitted his opinion in his Endorsement No. 318 dated 25-2-88 that Bellirayanda minded his 5th son Kaijhayanda to be appointed Patelmanike (the officer) Examined and found that he was fit to the duty of Patel and then how to read and write, and therefore recommended that he might be appointed. - The Panchayat Officer was replied to in this office Cir. No. 1 dated 5th March 88 that if the 4 elder sons of Bellirayanda agreed that Kaijinganda, their youngest brother might be appointed, he might be placed in charge of the Patel for a year on probation, and that he might

Devan's proceedings, and that Kale-
-gonda stayed that, in accordance
with the order conveyed in para
3 of the same, a definite system
of rotation might be introduced,
and the Chuldar therefore re-
-commended that each of them
might be ordered to have his
turn of office once in 3 years. -

Mr. N. Gopalaswamy, the officer
then in charge of the District ar-
-dered in this office No. 198 dated
20th July 1891 (from whose order appeal against)
that though the rules regarding
the System of rotation had not been
separately framed, it could be pre-
-sumed from the decision finally noted that the Government
approved the system that had been
brought into force then, that
therefore on that authority
he agreed with the Chuldar that
Kalyingonda and Kalegonda
might each have his turn of
office once in 3 years. -

No. 3725-236 dated
15th August 1893
on which refer-
-tion No. 362 of
15th Jan. 1892 from
-Jalagonda
to Shatigonda.

The Guidar (Secretary) signed
an order No 250 dated 14th August 89
to the Shériar of the Fatikate, Fatiki
enclosing 2 orders to be issued
over to Kajiyonda and Fatiki
Gonda and directed that the former
who was the Patel for the time
being, was to hand over charge
of the Patelki to the latter as the term
of the former's holding the office
by rotation had expired. —
Kajiyonda objected before
the Shériar and petitioned
to the Guidar that on his behalf
to Government regarding the Patelki
succession, it was directed
in Demand Proceedings above
alluded to, that the order of the
Dy Comm^r which directed the
proceedings to be set aside, and Petitioner
Gonda, as one of his Sons whom
the Dy Comm^r selected was to
act as Sole officiator from the
year Samajithu, that he was so

selected and confirmed and
Samuel was ordered to turn, that
he was since then doing the
duties of Post Officials, that
therefore there was no reason
for him to hand over the charge
to Kalegowda as directed, that
if the order conveyed in the
Demand Proceedings proceeded,
did not hold good in his favor
he would again appeal to Govt
and that the order of the Deputy
Commissioner was therefore
to be held in abeyance pending
the decision of Government.

The Assistant Secretary re-
-ported in his No 588 dated 11 9
September 89 that Kaliyugowda
failed to obey the order directed
him to hand over the
charge of the Post to Kalegowda

In reply to which the Assistant
was directed in this office No 419
dated 21st October 89 to institute
Criminal proceedings under

Section 188 of the I.P.C. against Kaijuu
Sonda in the Court of the Sessions
Magistrate of Dale Parajuru. -

The case was taken on the file
of that Court at the request of the
Accused (Vide Jadi No. 595 dated
9-10-91) and posted for hearing
on the 21st November 1891. Com-
-plainant present in person and
Head Gunnaia of the Saint Vincent
in person and the accused
Kaijuu Sonda did not been served.
The case was therefore adjourn-
-ed to 2nd December 1891.

On the 2nd December 1891 the
Sessions Magistrate ordered
that as the complainant was
absent though the case was
called on two different occa-
-sions and though it was late
the complaint was dismissed. -

Minimagham
For - Dy Commissioner
Batticaloa District

(General Serial No. 30.)

189

From The Chief Secretary to the Dewan of Mysore.

To

The Dy: Comm^r Kaveri Dt

Dated 31st August 92.

Despatched 1st September 92.

Received 9th September 92.

Enclosures No. Original

General No. 3688 V. proceedings.

Secret No. 157-92

Cancelling Notifn. By: Comm^r & Dt. Magistrate's order appointing Supdt Kale Gowda as Patel of the Kanakatti, Arle Peraipur Taluk, for the next 3 years.

(62)

Read

Appeal Petition No 1136 of 24th Sept 91, from Captain Gowda of Arakanahalli, Hole Narsipur Taluk, appealing against order No. 2.S. of 20th/11/91 of the Acting Dy: Comm: of Hassan, directing appellant & Respt. Kempa Gowda Chd. do patel work of the said village by triennial rotation and that neither should now have his turn of office, although appellant had been appointed & confirmed as the sole officiator under Govt. Resp. No 5083/89 of 30.11.89.

2. Rep. of 5th & 4th July and 5th June 92 from the Dy: Comm: Hassan &c, submitting report with Papers in the Patel appeal to.

Order thereon

The Acting Dy:

Comm:

2. S. No. 113.

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
Aug 1892.

Reply—Kale Canara.

Endorsement granted to Kapina Gowda, son of Belliné Gowda, residing in Kurkunahalli, Gubbi Taluq, Tumkur Distt
in reply to his Petition Registered No. 4-3 dated 24 Sept 91.

Petitioner is informed that the Acting D/Commr's order of 28 of 26 Jany 92, appealed against, has been cancelled.

2. The encls are returned.

41492

"By Order,"

Sr. Asst.
Secretary
Dewan's Office

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.

Envt issued. 8/9/92.

would soon be entitled to
the Dewan also allowed
the Respondent
his emoluments for the
period he was sole
officiator under the
Jamabundy Officer's
Summary order of
under the Dy. Comm's
decision in Regulation Rev:
case no. 6 of 1886-87.

Under the above orders
of the Dewan the appellant
was put in charge of the
office in 1888. He was Confirmed
& a 'Sanad' issued to him in 1889.
In 1889 the Respondent
Complained that he and
his sons had not been
registered as joint Pattakdars
under the above
orders of the Dewan &
prayed for the introduction
of the system of Service
by rotation promised
therein. The rules for this
system of Service not having
been framed, and the Govt.
in the case of disallowed a
claim for the Patelé of
Hosahally in the attached
Taluq (Kempala Gowda
Shetty Gowda) having ap-
proved of the system of
Service

submitted.
put up. The order
this case is based
upon the Raja nama
executed by the parties.
[illegible]

(6)

Service by annual rotation
for Gopalinga. Men in
Charge of the District
presumed that under
the authority of the Resolution
of the Govt. in this case
cited above, he could
direct the same Rotation
in the case in question
likewise; ~~transfer the~~
Charge of the office from
the appellant to the Res-
-pondent.

The present appeal is
against this action of
the Dy. Comm.: and
the appellant contends
on two points only
virtually: - viz

i That the Dy. Comm's.
action is against the
Dewan's orders of 1887
and that

ii the Respondent is
not the Huckdar.

The II point has been
dismissed and unanimously
decided by two Succes-
Dy. Comm: Inton: Amb-
-ude Row & Purnaya

and

* he agreed with the Asst
Comr that Kalegauda
(Appt) & Kappa Gauda
(Appt) might each
have his turn of
office one in 3 years
and directed the trans
-fer of the

(11)

Sl. no 3

L.R. 163-91-3

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1498 - 14
dated 24 Septr 91 received at the
Dewan's Office from Mess. V. Raghavan
Rangaiah and V. Narasimhachar
Advocates for Kaliyu
Gowda, son of Belavay
Gowda, residing in Arkalgud
Taluk, Hole Narsipur Tk
is forwarded, together with its two
enclosures, to the Dy. Commr Hassan
for submission of
report with Proceedings
and a precis thereof.

By Order,

BANGALORE,
12/12/ 189 1. } for Chief Secretary.

Drafted as per
Commissioner

(13)

No. 849
dated

From

Dy Commrs office Hassan
Dated Hassan 10th March 1892.

The Dy Commissioner
Hassan District.

To

The Chief Secretary to the
Government of Mysore

Sir,

With reference to your
Yenjad Memo No: 115 of the
12th December 1891 regarding
the Potéli of Ankanahalli of the
Holé Narsipur Taluk, I have the
honor to submit the Proceedings
2. The petition received with
the above is herewith returned
with all its enclosures —

I have the honor to be,
Sir,
Your most obedient servant,

Dy Commissioner
Hassan District

of the Defendant (2) that the Defendant was not at all related to him, that some 20 years ago Defendant's father stole an ~~ay~~ and he and the Defendant lodged a complaint against the Plaintiff in the Kapa Taluk and fabricated false evidence in the course of the proceedings and the Plaintiff was sentenced to imprisonment for 1 month, and that he was not informed that he was disunited from the Potelí. —

Defendant deposed that he was the Huekdar of the Potelí of the Arkanahalli village, that his great grandfather Akki Beluragowda was the Potel —, who had two sons (1) Channa Gowda (2) Channagowda, that the 1st Channagowda had three sons (a) Kappugowda (b) Beluragowda (c) Marichan-nagowda, that the 2nd Channa

Defendant Degowda 8-7-86 per Rs. 63.

Gowda had an (2nd) son Belura Gowda by name, that Belura Gowda (b) son of the 1st Channa Gowda was Defendant's father, that the Plaintiff was the son of the 2nd Channagowda who requested Defendant's grandfather the 1st Channa Gowda to give him one of his sons Kappugowda in adoption as he had an only son, that the Plaintiff was thus related to Defendant as an uncle, that Defendant's father and the Plaintiff's father were doing the duties of Patel jointly, that after the death of the Defendant's father and the Plaintiff's father, the Plaintiff and the Defendant were appointed in their stead, that some 36 years ago the Plaintiff misappropriated an ag and he was sentenced to

as Potel (village) the defendant never did, that the (witness) was the Shanbogue of the village for 20 years past, that both parties ob-tained the Patigi (Emoluments) for the years Swabhanu & Chitra-bhanu as his (Defendant's) name was mentioned in the Register prepared by the Hagari Taluk, but when it was prepared he did not know, that the Bara-bali the Registers of the years Nanda (1855) and Krodhana (1865-66) which were produced by Plaintiff for the inspection of the Court, did not contain defendant's name, that the Plaintiff kept the Register of Births and Deaths and Submit-ted it to the Taluk Cutcherry, which the defendant never did from the time of his appoint-ment as alleged by him, nor did he render any service during

the collection (28) ...

The witness further deposed that whenever he was required by the Taluk authorities to prepare the Barabalathi Registers he would prepare them but did not remember when such were prepared by him, and also that the Defendants' name was entered in such Registers, that he did not know on what basis the Register was prepared, that Defendants' father's name was Kunda Belura Gowda and he (witness) did not know how the Plaintiff was related to the Defendant, that those who were doing the duties of Patel were formerly exempted from the payment of house tax, that he did not remember when the rules re-lating to the Exemption from Municipal tax were in force

a/per no 88.

The 12th witness for Plaintiff deposed that he was the Shanboque of the Mulali Taluka for 30 or 32 years, that he resigned the Shanboque. - Ship some 20 years ago in his son's Narainpan Iyengar's favor, that Beluragonda was doing the duties of Patel when he was the Shanboque, that he was the "Huckdar" from his grandfather's time, that no one else acted as Patel jointly with the Plaintiff, that Defendt was paying the house tax like the rest Nala, that he was exempted from it in "Pyngala" on the ground of "Jitha", that the Patel, Kulvadi, Shalwar and Shanboque were exempted from paying 8 Fanams of Kandaya and two Fanams of house-tax, that the "Jithgars" under Brahmins were as well exempted from payment of the house tax that the defendant was a "jithagar" under him (with for one year and for 2 years under the Shekdar, that Plaintiff was only the registered Patel then, that

he (witness) had 32 Nagars under him who were similarly exempted from payment of the house tax, that he did not know that the Plaintiff was convicted of the offence of theft, that Defendt's father was Kunta Belura Gowda whose father's name he did not know, that no one else but the Plaintiff was the Potel in the year Ananda when he was the Shanbague, that he did not remember who prepared the Potell Register in the year Ananda, that in the Extract of the Potell Register under the heading "Officiator" one Linga Gowda's name was mentioned whom he had not seen, that from hearsay he knew that he was of Lingayet Sect and had "Nagapatu Ruck" in the Potell but that he did not see him acting as Potel, that both the parties were of the same sect

how many by (4 years) Plaintiff's father had but that he was told that he had no brothers, that Defendant's grandfather Velapurigowda had 4 sons viz: (1) Kappugowda (2) Beluragowda (3) Mari Channagowda (4) Channagowda, that the 1st left a son who was a "pitlegar" either under the Plaintiff or the Defendant, that the 2nd left two sons the Defendant Kalegowda and Boyagowda, that the 3rd left no issue, that the 4th left an only son by the name of Kalegowda He further deposed that Defendant's father Kunda Beluragowda had some lands in his Khata, which were, after his death, registered in his sons' name, that he did not remember that the Patta ever stood in the names of the Defendants grand father Velapurigowda or the Beluragowda, that the Plaintiff's father Channagowda was also a Khatadar and on his death his son

the Plaintiff was required as Khatedar and that he did not know how much of the lands in the Plaintiffs Khata was in the possession and enjoyment of the Defendant, and for which of them he was paying the Kandayam.

The Marginally noted 6 witnesses for Plaintiff deposed that the Plaintiff's father was Channagowda, that they were told that Plaintiff's grandfather was Akki Beliragowda that they did not know who Kappugowda was, and how he was related to the parties, that they did not also know the relationship between Akki Beliragowda and the Defendant, and that Defendant's father was Kunta Beliragowda.—

2nd " Witness Kempagowda.
3rd " — do — Diddegowda.
4th " — do — Doddegowda.
5th " — do — Kariya.
6th " — do — Patel Gundagowda.
7th " — do — Channiagowda alias Mogannahgowda.

Papers Nos 153 to 161.

The Marginally noted 5 witnesses were examined by Defendant and the 1st witness deposed that the

1. Thimma.—
2. Baswegowda alias Somegowda.—
3. Naiya.
4. Doddagowda.
5. Boregowda.—

and appended (Mk 47) marked A & B,
the former being the one produ-
-ced by the Plaintiff and the latter
by the Defendant. Plaintiffs table,
the Dy Commissioner observed
did not Exhibit any branch
but his own. Defendants showed
the Plaintiffs and his own
in addition. Witnesses did not
depose freely. - Thimmegowda
and Doddagowda + said that they
knew the father and grandfather
of Defendant and also the father
of the Plaintiff but stopped short
of going higher up to the con-
-necting point. The former
went to the extent of saying
that defendant's grandfather
and Plaintiffs father were
brothers. But he pleaded igno-
-rance of the name of the father
of these. Doddagowda only said
that the contending parties were
cousins. Two other witnesses
examined contradicted one another

Papers No 163 & 169 respec-tively -

Lakkanna 4th witness (5th) examined by Defendant* deposed that Plaintiff's father and Defendant's grandfather was Channagowda. On the other hand Raghavachar 12th witness for Plaintiff said that parties were not related to one another. The Dy Commissioner was therefore inclined to think that these witnesses deposed more in a partizan spirit than in an impartial manner, but he saw that there was sufficiently safe evidence to suppose that the parties were cousins. The Plaintiff admitted this fact in his deposition dated 6th August 1883 (Paper No 91 of the file). He said that Defendant Kalegowda was his Annatamma (cousin or elder cousin). He must be bound by that statement made even when the question had not arisen of "who would be the officiator."

* Paper No 86 in the file Memo Pa 9.

* Papers No 85 in the file Memo Pa 7 & 8.

* This is forthcom (Vide do from Secreta 2842 of 18

the Recommended for confirmation after the Expiry of the term. -

All the 4 Elder Sons of Belura Gowda agreed to Kappagowda's appointment, and he was accordingly put in charge. -

The Amildar reported in his No. 8 dated 7th April 1889 that Kappagowda was discharging the duties of Patel carefully, that there were no arrears of Kon. - dayen and demarcation charges outstanding in his village, and therefore recommended that he might be confirmed. Kappagowda was accordingly confirmed in his appointment, and Sunnad was issued to him as directed in this office No. 32 dated 12th April 1889.

Kalegowda petitioned to the Dy Commissioner on 28th January 1890 that he had not been registered as joint Patel as directed in the

Dewan's Proceedings (54) referred
to. The petition was referred to
the Amildar for report and he
reported in his No. 920 dated 21st
February 1890 that orders had
already been issued that Kappu
Gowda and Kalegowda should
do the duties of Potel annually
by rotation and that Kalegowda
prayed for the introduction
of a system of rotation not
warranted by the Dewan's Pro.
Kalegowda petitioned to the
Amildar on 2nd June 1891 that
he might have his turn of office.
The Amildar after obtaining
the records filed in this office
submitted his report No. 219 dated
6th July 1891 to the effect that the
order which directed Kappu-
Gowda and Kalegowda to do
the duties of Potel annually by rotation
was set aside in obedience to the

Mr Chakravarti was wrong in ~~supposing that~~ the decision of Govt in a particular case under special circumstances, ~~accounted~~ to the introduction of a system of rotation throughout the Province, & his order directing Kalegwda, & Kuppur Swda to ~~be~~ to the office each for ~~one~~ 3 years is ~~was~~ hereby cancelled.—

4/9/92

wrong in the action taken by him, and his order will therefore be cancelled accordingly.

Dept

Chief Secy

To The Dy: Commr, Hassan

with the records.

Note for Chief Secy 7/9